

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HOWARD JAMAL SANDERS,

Plaintiff,

No. 10-CV-12846-DT

vs.

Hon. Gerald E. Rosen

PRISON HEALTH SERVICES, INC., et al.,

Defendants.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND DISMISSING PLAINTIFF'S COMPLAINT

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on March 08, 2013

PRESENT: Honorable Gerald E. Rosen
United States District Chief Judge

This Section 1983 prisoner civil rights matter having come before the Court on the January 29, 2013 Report and Recommendation of United States Magistrate Paul J. Komives recommending that the Court grant motion for summary judgment filed by Defendant Prison Health Services, Inc. ("PHS");¹ and Plaintiff having timely filed objections to the Magistrate Judge's Report and Recommendation; and the Court having reviewed the Magistrate Judge's Report and Recommendation, Plaintiff's Objections, and the Court's entire file of this action, and having concluded that, for the reasons stated in the Report and Recommendation,

¹ PHS is the only remaining defendant in this action. Plaintiff's claims against the individual defendants were dismissed on August 30, 2010 and his claims against the MDOC were dismissed on February 29, 2012. *See* Dkt. Nos. 10 and 64.

Defendant PHS's motion should be granted and this case should, accordingly, be dismissed in its entirety; and the Court being otherwise fully advised in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation of January 29, 2013 [**Dkt. # 80**] be, and hereby is, adopted by this Court.

IT IS FURTHER ORDERED that Defendant Prison Health Services, Inc.'s Motion for Summary Judgment [**Dkt. # 67**] be, and hereby is, GRANTED.

PHS being the only remaining defendant in this action,

IT IS FURTHER ORDERED that Plaintiff's Amended Complaint is DISMISSED in its entirety with prejudice.

IT IS FURTHER ORDERED that, based on the reasons set forth in the Magistrate Judge's Report and Recommendation of January 29, 2013, and for the further reasons set forth in his R&R's entered August 30, 2010 and September 7, 2011, this Court certifies that any appeal by Plaintiff would be frivolous and not in good faith. 28 U.S.C. § 1915(a).

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: March 8, 2013

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 8, 2013, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5135